

VIA ELECTRONIC FILING

December 22nd, 2021

The Honorable Gabriel W. Gorenstein
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007

**Re: Joint request for extension of discovery schedule
Tyler Erdman v. Adam Victor, et al., No. 20 Civ. 4162**

Dear Judge Gorenstein:

The parties write to request an extension of the discovery schedule in this action. Both parties conversed and agreed that an extension is required in order to properly complete discovery. As of the submission of this letter, both parties have conducted party depositions as well as provided interrogatories responses, document production.

The deposition of Plaintiff has been completed, and the parties have agreed to continue the Defendant's deposition for an additional day. Plaintiff started a new job directly after conducting Defendant's deposition and has been unable to schedule that continuation. The parties are exchanging availability and anticipate being able to conclude the deposition shortly after the Holidays without any difficulty.

The Defendant is due to provide new interrogatory answers by January 7th as ordered. Plaintiff has other discovery issues he would like to address. The parties are discussing those issues and if they are unable to resolve them, Plaintiff will write to the Court as soon as possible, likely later this week.

As the Court is aware, the Defendant was given a 30 day extension in his time to produce documents in accordance with the Court's November 17th Order. Additionally deposition transcripts are subject to delay due the conditions outlined in the Court's December 7th Order. In order to accommodate those delays the parties request an 8 week extension of the fact discovery cut off.

This extension will serve to offset those scheduling changes and provide the parties time to complete discovery and raise issues regarding non-party discovery in accordance with the Court's November 17th Order.

The Defendant had previously been granted an extension of time to complete depositions. This is the first application made by the parties seeking an extension of time to serve requests to admit and to extend the discovery cutoff. The parties agreed to continue Adam Victor's deposition on January 12, 2022. Party discovery will be completed no later than January 31.

The parties request that the Court clarify its November 17th Order regarding non-party discovery, specifically how it would like the non-parties to make their applications. The parties will inform the non-parties of that process so that a schedule can be agreed upon. The parties

believe an extension of the fact discovery cutoff to February 25 would give sufficient time for those non-party issues to be addressed.

The parties were not able to come to an agreement regarding the schedule for requests to admit. Plaintiff and Emilio Rodriguez discussed the matter on December 22nd at 5:38 PM for approximately 15 minutes. The Defendant proposed that the requests be served on January 17th and responses due on January 31st so that it can be completed during the party discovery window. Plaintiff believes that the requests to admit should be served after non-party discovery begins so that material can be used when drafting the requests. Plaintiff proposes that the requests to admit be served on February 14th and due 30 days later, on March 16th. Plaintiff informed Defendant that he would not be able to agree to his proposed schedule and would be moving for relief.

The parties thank the Court for its attention to this matter.

Respectfully submitted,

/s/Tyler Erdman

Plaintiff Pro Se

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